

Applicants appreciate the Examiner's indication that claims 2, 4, 12, 39, 40 and 42-45 are allowed.

Claims 3, 6, 8, 41, 48 and 49 were rejected under 35 U.S.C. §102(b) as being anticipated by Hillier et al.

Applicants respectfully submit that the amendment to the claims have obviated this rejection. The Hillier sequence is from exon 25 of the coding sequence of SEQ ID NO:1. In order to expedite prosecution, this overlap has been deleted.

Applicants note that claim 49 as originally worded did not include the Hillier sequence and thus the rejection should not apply to that claim. In order to expedite prosecution, claim 49 has been rewritten in independent form by rewriting claim 41 to incorporate its recitations.

Turning to claim 10, it specifies a kit that use particular sequences (i.e. the fragment claim 3) which are not in any way taught by the prior art.

Accordingly, applicants respectfully submit that none of the claims are anticipated by 35 U.S.C. §102(b).

Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hillier et al. as applied to claims 3 and 6 in view of Vanin et al.

Applicants respectfully submit that in view of the amendment to claim 3 this rejection has been obviated.

Claims 46 and 47 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hillier et al. as applied to claims 3 and 41 in view of Dattagupta et al.

Applicants respectfully submit that in view of the amendment to the claims this rejection has been obviated. Clearly a sequence that corresponds to only a part of exon 25 does not in any way teach or suggest any fragment within the other exons.

Accordingly, this rejection of the claims should be withdrawn.

In view of the foregoing, applicants respectfully submit that all claims are in condition for allowance. Early and favorable action is requested.

Respectfully submitted,

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